

Message Text

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17

ACTION EB-07

INFO OCT-01 EA-09 ISO-00 AID-05 CIAE-00 COME-00 FRB-01

INR-07 NSAE-00 USIA-15 TRSE-00 XMB-04 OPIC-06 SP-02

CIEP-02 LAB-04 SIL-01 OMB-01 NSC-05 SS-15 STR-04

CEA-01 L-03 AGR-10 TAR-01 /104 W

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R 100853Z OCT 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8399

INFO AMCONGEN HONG KONG

UNCLAS MANILA 14347

E.O. 11652: N/A

TAGS: ETRD, RP

SUBJ: CERAMIC TILE -- COUNTERVAILING DUTY CASE

REF: (A) LIM LETTER OF SEPTEMBER 30 TO COMMERCIAL ATTACHE;

(B) MANILA 12508

1. EMBASSY HAS RECEIVED SEPTEMBER 30 LETTER, REF. HK31PR503502, FROM STEPHEN LIM TRANSMITTING SUPPLEMENTAL QUESTIONS, APPARENTLY DRAWN UP IN WASHINGTON, ON GLAZED CERAMIC WALL TILE.

2. THERE APPEARS TO BE SOME CONFUSION AS BETWEEN INVESTMENT INCENTIVES ACT, R.A. 5186, AND EXPORT INCENTIVES ACT, R.A. 6135. THE ORIGINAL TREASURY QUESTIONNAIRE DIRECTED PHILIPPINE GOVERNMENT TO RELATE ITS COMMENTS ONLY TO THE INVESTMENT INCENTIVES ACT, WHICH IT PRESUMABLY DID. THE SUPPLEMENTAL QUESTIONNAIRE RELATES QUESTIONS 5 THROUGH 9 TO THE EXPORT INCENTIVES ACT. QUESTION 6 ATTRIBUTES P936,649 REDUCED INCOME TAX TO SECTION 7 (B) OF EXPORT INCENTIVES ACT, ALTHOUGH PHILIPPINE GOVERNMENT REPLY EXPLICITLY ASCRIBED P936,648 TO INVESTMENT INCENTIVES ACT.

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3. THE TWO ACTS ARE NOT INTERCHANGEABLE, AND A COMPANY

CAN BE REGISTERED UNDER ONLY ONE.

4. IN ATTEMPT TO CLARIFY SITUATION, EMBOFF CONTACTED BOI TO ASCERTAIN HOW MANY CERAMIC TILE COMPANIES REGISTERED UNDER INVESTMENT INCENTIVES ACT AND WHETHER ANY REGISTERED UNDER EXPORT INCENTIVES ACT. BOI STATES MARIWASA REGISTERED UNDER INVESTMENT INCENTIVES ACT ON OCTOBER 23, 1968, AND TRANSFERRED REGISTRATION TO EXPORT INCENTIVES ACT ON JANUARY 14, 1974. FIL-HISPANO REGISTERED UNDER INVESTMENT INCENTIVES ACT ON JUNE 13, 1969, AND IS STILL SO REGISTERED. NO OTHER COMPANIES ARE REGISTERED UNDER EITHER ACT.

5. IT WOULD APPEAR DESIRABLE TO REVISE SUPPLEMENTAL QUESTIONS, BOTH TO REFLECT FACT THAT ORIGINAL QUESTIONS, AND ANSWERS TO THEM, WERE RELATED SOLELY TO INVESTMENT INCENTIVES ACT, AND TO REFLECT NEW INFORMATION THAT MARIWASA HAS SINCE EARLY 1974 BEEN UNDER EXPORT INCENTIVES ACT. IT MIGHT ALSO BE WELL TO CLARIFY WHETHER PESO VALUES IN ANSWERS TO ORIGINAL QUESTIONS APPLY TO INVESTMENT INCENTIVES ACT OR WHETHER PHILIPPINE GOVERNMENT MAY HAVE LUMPED TOGETHER FIGURES FOR MARIWASA AND FIL-HISPANO.

6. IF TREASURY WISHES EMBASSY TO AMEND SUPPLEMENTAL QUESTIONS, WE WOULD BE GLAD TO DO SO. WILL AWAIT FURTHER INSTRUCTIONS BEFORE PROCEEDING.
SULLIVAN

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Message Attributes

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Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
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